

Senate File 353 - Introduced

SENATE FILE _____
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 54)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the midwest interstate passenger rail compact
2 and providing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1763SV 82
5 dea/es/88

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1 1 Section 1. NEW SECTION. 327K.1 MIDWEST INTERSTATE
1 2 PASSENGER RAIL COMPACT.
1 3 The midwest interstate passenger rail compact is enacted
1 4 into law and entered into with all other states legally
1 5 joining in the compact in substantially the following form:
1 6 ARTICLE I
1 7 STATEMENT OF PURPOSE
1 8 The purposes of this compact are, through joint or
1 9 cooperative action:
1 10 a. To promote development and implementation of
1 11 improvements to intercity passenger rail service in the
1 12 midwest.
1 13 b. To coordinate interaction among midwestern state
1 14 elected officials and their designees on passenger rail
1 15 issues.
1 16 c. To promote development and implementation of long-range
1 17 plans for high-speed rail passenger service in the midwest and
1 18 among other regions of the United States.
1 19 d. To work with the public and private sectors at the
1 20 federal, state, and local levels to ensure coordination among
1 21 the various entities having an interest in passenger rail
1 22 service and to promote midwestern interests regarding
1 23 passenger rail.
1 24 e. To support efforts of transportation agencies involved
1 25 in developing and implementing passenger rail service in the
1 26 midwest.
1 27 ARTICLE II
1 28 ESTABLISHMENT OF COMMISSION
1 29 To further the purposes of the compact, a commission is
1 30 created to carry out the duties specified in this compact.
1 31 ARTICLE III
1 32 COMMISSION MEMBERSHIP
1 33 The manner of appointment of commission members, terms of
1 34 office consistent with the terms of this compact, provisions
1 35 for removal and suspension, and manner of appointment to fill
2 1 vacancies shall be determined by each party state pursuant to
2 2 its laws, but each commissioner shall be a resident of the
2 3 state of appointment. Commission members shall serve without
2 4 compensation from the commission.
2 5 The commission shall consist of four resident members of
2 6 each state as follows: the governor or the governor's
2 7 designee who shall serve during the tenure of office of the
2 8 governor, or until a successor is named; one member of the
2 9 private sector who shall be appointed by the governor and
2 10 shall serve during the tenure of office of the governor, or
2 11 until a successor is named; and two legislators, one from each
2 12 legislative chamber (or two legislators from any unicameral
2 13 legislature), who shall serve two-year terms, or until
2 14 successors are appointed, and who shall be appointed by the
2 15 appropriate appointing authority in each legislative chamber.
2 16 All vacancies shall be filled in accordance with the laws of
2 17 the appointing states. A commissioner appointed to fill a
2 18 vacancy shall serve until the end of the incomplete term.

2 19 Each member state shall have equal voting privileges, as
2 20 determined by the commission bylaws.

2 21 ARTICLE IV

2 22 POWERS AND DUTIES OF THE COMMISSION

2 23 a. The duties of the commission are to:

2 24 (1) Advocate for the funding and authorization necessary
2 25 to make passenger rail improvements a reality for the region.

2 26 (2) Identify and seek to develop ways that states can form
2 27 partnerships, including with rail industry and labor, to
2 28 implement improved passenger rail service in the region.

2 29 (3) Seek development of a long-term, interstate plan for
2 30 high-speed rail passenger service implementation.

2 31 (4) Cooperate with other agencies, regions, and entities
2 32 to ensure that the midwest is adequately represented and
2 33 integrated into national plans for passenger rail development.

2 34 (5) Adopt bylaws governing the activities and procedures
2 35 of the commission and addressing, among other subjects: the
3 1 powers and duties of officers; and the voting rights of
3 2 commission members, voting procedures, commission business,
3 3 and any other purposes necessary to fulfill the duties of the
3 4 commission.

3 5 (6) Expend such funds as required to carry out the powers
3 6 and duties of the commission.

3 7 (7) Report on the activities of the commission to the
3 8 legislatures and governors of the member states on an annual
3 9 basis.

3 10 b. In addition to its exercise of these duties, the
3 11 commission may:

3 12 (1) Provide multistate advocacy necessary to implement
3 13 passenger rail systems or plans, as approved by the
3 14 commission.

3 15 (2) Work with local elected officials, economic
3 16 development planning organizations, and similar entities to
3 17 raise the visibility of passenger rail service benefits and
3 18 needs.

3 19 (3) Educate other state officials, federal agencies, other
3 20 elected officials, and the public on the advantages of
3 21 passenger rail as an integral part of an intermodal
3 22 transportation system in the region.

3 23 (4) Work with federal agency officials and members of
3 24 Congress to ensure the funding and authorization necessary to
3 25 develop a long-term, interstate plan for high-speed rail
3 26 passenger service implementation.

3 27 (5) Make recommendations to member states.

3 28 (6) If requested by each state participating in a
3 29 particular project and under the terms of a formal agreement
3 30 approved by the participating states and the commission,
3 31 implement or provide oversight for specific rail projects.

3 32 (7) Establish an office and hire staff as necessary.

3 33 (8) Contract for or provide services.

3 34 (9) Assess dues, in accordance with the terms of this
3 35 compact.

4 1 (10) Conduct research.

4 2 (11) Establish committees.

4 3 ARTICLE V

4 4 OFFICERS

4 5 The commission shall annually elect from among its members
4 6 a chair, a vice chair who shall not be a resident of the state
4 7 represented by the chair, and others as approved in the
4 8 commission bylaws. The officers shall perform such functions
4 9 and exercise such powers as are specified in the commission
4 10 bylaws.

4 11 ARTICLE VI

4 12 MEETINGS AND COMMISSION ADMINISTRATION

4 13 The commission shall meet at least once in each calendar
4 14 year and at such other times as may be determined by the
4 15 commission. Commission business shall be conducted in
4 16 accordance with the procedures and voting rights specified in
4 17 the bylaws.

4 18 ARTICLE VII

4 19 FINANCE

4 20 Except as otherwise provided, the moneys necessary to
4 21 finance the general operations of the commission in carrying
4 22 forth its duties, responsibilities, and powers as stated in
4 23 this compact shall be appropriated to the commission by the
4 24 compacting states, when authorized by the respective
4 25 legislatures, by equal apportionment among the compacting
4 26 states. Nothing in this compact shall be construed to commit
4 27 a member state to participate in financing a rail project
4 28 except as provided by law of a member state.

4 29 The commission may accept, for any of its purposes and

4 30 functions, donations, gifts, grants, and appropriations of
4 31 money, equipment, supplies, materials, and services from the
4 32 federal government, from any party state or from any
4 33 department, agency, or municipality thereof, or from any
4 34 institution, person, firm, or corporation. All expenses
4 35 incurred by the commission in executing the duties imposed
5 1 upon it by this compact shall be paid by the commission out of
5 2 the funds available to it. The commission shall not issue any
5 3 debt instrument. The commission shall submit to the officer
5 4 designated by the laws of each party state, periodically as
5 5 required by the laws of each party state, a budget of its
5 6 actual past and estimated future expenditures.

5 7 ARTICLE VIII

5 8 ENACTMENT, EFFECTIVE DATE, AND AMENDMENTS

5 9 The states of Illinois, Indiana, Iowa, Kansas, Michigan,
5 10 Minnesota, Missouri, Nebraska, North Dakota, Ohio, South
5 11 Dakota, and Wisconsin are eligible to join this compact. Upon
5 12 approval of the commission, according to its bylaws, other
5 13 states may also be declared eligible to join the compact. As
5 14 to any eligible party state, this compact shall become
5 15 effective when its legislature shall have enacted the same
5 16 into law; provided that it shall not become initially
5 17 effective until enacted into law by any three party states
5 18 incorporating the provisions of this compact into the laws of
5 19 such states. Amendments to the compact shall become effective
5 20 upon their enactment by the legislatures of all compacting
5 21 states.

5 22 ARTICLE IX

5 23 WITHDRAWAL, DEFAULT, AND TERMINATION

5 24 Withdrawal from this compact shall be by enactment of a
5 25 statute repealing the same and shall take effect one year
5 26 after the effective date of such statute. A withdrawing state
5 27 shall be liable for any obligations which it may have incurred
5 28 prior to the effective date of withdrawal.

5 29 If any compacting state defaults in the performance of any
5 30 of its obligations, assumed or imposed, in accordance with
5 31 this compact, all rights, privileges, and benefits conferred
5 32 by this compact or agreements under this compact shall be
5 33 suspended from the effective date of such default as fixed by
5 34 the commission, and the commission shall stipulate the
5 35 conditions and maximum time for compliance under which the
6 1 defaulting state may resume its regular status. Unless such
6 2 default is remedied under the stipulations and within the time
6 3 period set forth by the commission, this compact may be
6 4 terminated with respect to such defaulting state by
6 5 affirmative vote of a majority of the other commission
6 6 members. Any such defaulting state may be reinstated, upon
6 7 vote of the commission, by performing all acts and obligations
6 8 as stipulated by the commission.

6 9 ARTICLE X

6 10 CONSTRUCTION AND SEVERABILITY

6 11 The provisions of this compact shall be severable and if
6 12 any phrase, clause, sentence, or provision of this compact is
6 13 declared to be contrary to the constitution of any compacting
6 14 state or of the United States, or the applicability thereof to
6 15 any government, agency, person, or circumstance is held
6 16 invalid, the validity of the remainder of this compact and the
6 17 applicability thereof to any government, agency, person, or
6 18 circumstance shall not be affected by the declaration or
6 19 holding. If this compact is held to be contrary to the
6 20 constitution of any compacting state, the compact shall remain
6 21 in full force and effect as to the remaining states and in
6 22 full force and effect as to the state affected as to all
6 23 severable matters. This compact shall be liberally construed
6 24 to effectuate the purposes of the compact.

6 25 Sec. 2. LIMITATION ON EXPENDITURE OF FUNDS FOR FINANCING
6 26 COSTS OF PARTICIPATING IN THE COMPACT. It is the intent of
6 27 the general assembly that moneys directed to be deposited in
6 28 the road use tax fund under section 312.1 shall not be used by
6 29 the state for participation in the midwest interstate
6 30 passenger rail compact.

6 31 Sec. 3. EFFECTIVE DATE. This Act takes effect only if the
6 32 general assembly appropriates funds for the fiscal year
6 33 beginning July 1, 2007, in an amount sufficient to pay the
6 34 dues assessed pursuant to the midwest interstate passenger
6 35 rail compact.

7 1 EXPLANATION

7 2 This bill provides that the midwest interstate passenger
7 3 rail compact is entered into and enacted into law with several
7 4 other midwestern states if those states join the compact in
7 5 substantially the same form.

7 6 The bill provides that the purposes of the compact are to
7 7 promote development and implementation of improvements to
7 8 intercity passenger rail service in the midwest, to coordinate
7 9 interaction among midwestern state officials on passenger rail
7 10 issues, to promote development and implementation of plans for
7 11 high-speed rail passenger service in the midwest and other
7 12 regions, to work with public and private sectors at all levels
7 13 to ensure coordination among entities with an interest in
7 14 passenger rail service and promote midwestern interests
7 15 regarding such service, and to support efforts of
7 16 transportation agencies involved in developing and
7 17 implementing passenger rail service in the midwest.

7 18 The bill provides that a commission shall be established to
7 19 further the purposes of and carry out the duties specified in
7 20 the compact. Each state joining the compact is to be
7 21 represented by four commission members: the governor of the
7 22 state or the governor's designee, serving during the tenure of
7 23 the governor or until a successor is named; a member of the
7 24 private sector appointed by the governor, serving during the
7 25 tenure of the governor or until a successor is named; and two
7 26 legislators, one from each legislative chamber, appointed by
7 27 the appropriate appointing authority in each chamber, serving
7 28 two-year terms or until successors are appointed.

7 29 The bill provides a list of powers and duties the
7 30 commission shall have related to the compact and provides for
7 31 financing the general operations of the commission.

7 32 The bill becomes effective upon enactment. The compact,
7 33 having already been enacted into law and entered into by a
7 34 requisite number of states, would also become effective for
7 35 Iowa upon enactment of this bill.

8 1 The bill becomes effective only if funds are appropriated
8 2 for FY 2007=2008 in an amount sufficient to pay dues assessed
8 3 under the compact. The bill specifies that moneys shall not
8 4 be diverted from the road use tax fund to pay costs associated
8 5 with participation in the compact.

8 6 LSB 1763SV 82

8 7 dea:rj/es/88